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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,259	08/22/2001	Laurent Herrmann	FR 000084	9556

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EXAMINER	
JOO, JOSHUA	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/935,259	HERRMANN, LAURENT	
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-10 have been examined.

2. Claims 1-10 are rejected.

Specification

3. The disclosure is objected to because of the following informalities: The headers for the Abstract, Summary, and Description are missing. Please make the appropriate corrections.

Claim Rejections - 35 USC § 103

4. Claims 1, 3, 4, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins and in view of Ezaki et al, US Patent #6,266,480 (Ezaki hereinafter) and Vishlitzky, US Patent #6,029,229.

5. As per claim 1 and 8, Robbins teaches an invention for reminding users of a particular data broadcast through ID codes that are embedded within the data stream. Robin's invention comprises of:

a) Analysis means for analyzing digital data so as to identify data referred to as multiple data, which can be used several times at the receiver end. (Col 40, lines 4-41. Data stream is monitored for matching ID codes. The data can be recorded if the ID code matches. Col 3, lines 46-47. Prior art teaches of broadcast program as digital transmission.)

b) Creation means for creating data descriptors comprising for describing each multiple-use data previously identified, said descriptors comprising a set of characterizing fields, (Col 4, lines 20-47. An ID code is used, which may be derived from manipulating information from the

signal. Col 29, lines 28-38. User can store an ID code corresponding to the broadcast that he/she may want to record. Col 37, lines 54-58. An ID code has a first portion and a second portion, which contains program instructions.)

c) Insertion means for inserting the data descriptors in the set of multiple-use data, each multiple-use data being then associated with data descriptor, (Col 4, lines 17-43. An ID code is transmitted with the broadcast signal.)

d) Analysis means for analyzing received data so as to detect the presence of descriptors of multiple-use data and thus to identify multiple-use data and single-use data, (Col 40, lines 35-41. Receiver scans the data streams for broadcasts that match the ID codes.)

e) Storage means for storing detected multiple-use data and their associated descriptors previously received, (Col 40, lines 29-34. Receiver has memory for storage and can store a plurality of ID codes. (Col 29, lines 30-34. The receiver may record the program.)

6. Robbins teaches of multiple use data which can be used several times at the receiver end, however, Robbins does not teach of data referred to as single-use data which can be used only once upon the receiver end.

7. Ezaki teaches of an invention where the broadcast of digital data may be viewed only once by including a scrambling signal to the broadcast so that upon recording the digital data, the picture is deteriorated to an unacceptable level for viewing (Col 3, lines 4-7).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robbins and Ezaki for Robbins invention to further have a

scrambling signal to prevent recording of certain broadcasts because it will improve Robbins' invention by providing copyright protection to certain broadcasts, thus preventing illegal activity.

9. Robbins does not teach the invention the composition means for composing the contents of an application on the basis of single-use data and multiple-use data previously stored, a same data which has a multiple use in the composition of said contents being then directly recovered upon each use from said storage means by recovery means.

10. However, Vishlitzky teaches an invention for creating a descriptor for describing stored digital data content, where the descriptor contains information about the data in the storage device and where its located (Col 4, lines 43-51).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vishlitzky with Robin's invention because by having a descriptor for describing the stored digital data content and providing information, it improves Robin's invention by providing an efficient method for organizing and indexing the stored data for faster retrieval of stored information.

12. As per claim 3, Robin further teaches an invention for a communication system as claimed in claim 1, characterized in that each descriptor of multiple-use data comprises a set of fields corresponding in particular to an identification code which renders it impossible to distinguish the descriptor from the other descriptors, to the type of data to which the descriptor is attached, to a starting data and a final date defining a time window in which the data associated with the descriptor can be used, and to a duration of use for the data associated with the descriptor. (Col 7, lines 44-62. ID code comprises of two portions. The first portion

contains information on the type of code it is. Second portions contains instructions for a date/time stamp to indicate when to tune to the data stream. Col 38, lines 64-65. The time and duration information of the ID code can be replaced with a time-to-start and a time-to-end.)

13. As per claim 4, Robbins teaches an invention for reminding users of a particular data broadcast through ID codes that are embedded within the data stream. Robin's invention comprises of:

a) Analysis means for analyzing received data so as to detect the presence of descriptors of multiple-use data and thus to identify multiple-use data and single-use data, (Col 40, lines 35-41. Receiver scans the data streams for broadcasts that match the ID code.)

b) Storage means for storing detected multiple-use data and their associated descriptors previously received, (Col 40, lines 29-34. Receiver has memory for storage and can store a plurality of ID codes. (Col 29, lines 30-34. The receiver may record the program.)

14. Robbins does not teach the invention the composition means for composing the contents of an application on the basis of single-use data and multiple-use data previously stored, a same data which has a multiple use in the composition of said contents being then directly recovered upon each use from said storage means by recovery means.

15. However, Vishlitzky teaches an invention for creating a descriptor for describing stored digital data content, where the descriptor contains information about the data in the storage device and where its located (Col 4, lines 43-51).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Vishlitzky with Robin's invention because by having a

descriptor for describing the stored media content and providing information, it improves Robin's invention by providing an efficient

17. As per claim 10, Robbins further teaches the invention as claimed in claim 8, wherein a computer support program for a communication terminal, said computer program comprising a series of instructions which, when they are loaded into the communication terminal, enable said communication terminal to execute the method of recognizing multiple-use data. (Col 29, lines 15-17. The receiver may be a computer. Col 37, lines 54-59. ID can be programmed a set of instructions for detecting the program to tune to, and the ID is stored on the receiving system.)

18. Claims 6 and 7 are rejected under 35 U.S.C. 103 as being unpatentable by Robbins, US Patent #6,317,882 and Ezaki et al, US Patent #6,266,480 (Ezaki hereinafter).

19. As per claim 6, Robbins teaches an invention for reminding users of a particular data broadcast through ID codes that are embedded within the data stream. Robin's invention comprises of:

a) Analysis means for analyzing digital data so as to identify data referred to as multiple data, which can be used several times at the receiver end. (Col 40, lines 4-41. Data stream is monitored for matching ID codes. The data can be recorded if the ID code matches. Col 3, lines 46-47. Prior art teaches of broadcast program as digital transmission.)

b) Creation means for creating data descriptors comprising for describing each multiple-use data previously identified, said descriptors comprising a set of characterizing fields, (Col 4, lines 20-47. An ID code is used, which may be derived from manipulating information from the

signal. Col 29, lines 28-38. User can store an ID code corresponding to the broadcast that he/she may want to record. Col 37, lines 54-58. An ID code has a first portion and a second portion, which contains program instructions.)

c) Insertion means for inserting the data descriptors in the set of multiple-use data, each multiple-use data being then associated with data descriptor, (Col 4, lines 17-43. An ID code is transmitted with the broadcast signal.)

20. Robbins teaches of multiple use data which can be used several times at the receiver end, however, Robbins does not teach of data referred to as single-use data which can be used only once upon the receiver end.

21. Eaki teaches of an invention where the broadcast of digital data may be viewed only once by including a scrambling signal to the broadcast so that upon recording the digital data, the picture is deteriorated to an unacceptable level for viewing (Col 3, lines 4-7).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robbins and Eakis for Robbins invention to further have a scrambling signal to prevent recording of certain broadcasts because it will improve Robbins' invention by providing copyright protection to certain broadcasts, thus preventing illegal activity.

23. As per claim 7, Robbins teaches an invention, wherein a signal composed of digital data associated with descriptors, which signal is characterized in that each descriptor of multiple-use data comprises a set of fields corresponding in particular to an identification code which renders it impossible to distinguish the descriptor from the other descriptors, to the type of data to which the descriptor is attached, to a starting data and a final date defining a time window in which the

data associated with the descriptor can be used, and to a duration of use for the data associated with the descriptor. (Col 7, lines 44-62. ID code contains information on the type of code it is. It also contains instructions for a date/time stamp to indicate when to tune to the data stream. Col 38, lines 64-65. The time and duration information of the ID code can be replaced with a time-to-start and a time-to-end. Col 3, lines 46-47. The broadcast program may be a digitalized transmission.)

24. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, Ezaki, Vishlitzky, and in view of Nakatsuyama, US Patent #6,658,231.

25. As per claims 2 and 5, Robbins teaches an invention for updating descriptors (Col 32, lines 31-37).

26. However, Robbins does teach an invention for updating multiple-use data previously stored in said storage means, said updating means taking into account in particular a capacity of the receiver to deal with the contents of the multiple-use data to which said descriptors are attached and various time parameters contained in each descriptor in relation to a local clock.

27. Nakatsuyama teaches an invention for receiving user-demand information on a digital broadcast, where the invention has real time updates on programs which may be stored (Col 5, lines 17-24), and where the invention has a time stamp field to receive programs at specific times (Col 9, lines 7-30). When the receiver's memory is full, it overwrites the old programs (Col 8, lines 5-10).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robbins and Nakatsuyama because by having updates on

the data in the storage, it improves the functionality of Robin's invention by providing the user with the most up-to-date information, which would be important in regards to information such as weather or traffic.

29. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, Ezaki, Vishlitzky, and in view of Matsushima et al, US Patent #6,535,717 (Matsushima hereinafter).

30. As per claim 9, Robbins does not teach the invention of claim 1 wherein a server acting as the transmitter and terminal acting as the receiver for transmitting digital encoded data in accordance with the MPEG-4 standard.

31. Matsushima teaches an invention for transmitting and receiving digital broadcast (Col 8, lines 33-41), where encoding is by means of MPEG-4 standard.

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robbins invention with Matsushima's invention to use a MPEG-4 standard for encoding because it improves the capability of Robbins invention by providing the highest quality for encoding audio and video for its data transmission, and its single compression formats allows it to be compatible with other services.

Conclusion

33. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is 571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571 272-3964.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 24, 2004
JJ

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